



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 3, 1996

Ms. Monica L. Strickland
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR96-2295

Dear Ms. Strickland:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102735.

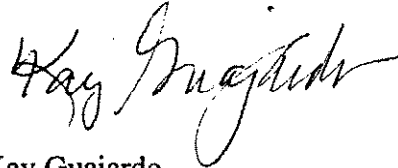
The City of Midland (the "city") received a request for "copies of all reports and notations regarding" a certain investigation. As responsive to this request you have submitted to this office a copy of an Incident Details Report dated September 23, 1996. You assert that portions of the report, which you highlighted, are excepted from required public disclosure by Government Code section 552.101 in conjunction with the informer's privilege.

Section 552.101 of the Government Code, which applies to information that is made confidential by law, incorporates the informer's privilege. The informer's privilege aspect of section 552.101 protects from public disclosure the identity of a person who reports a violation or possible violation of the law to officials charged with the duty of enforcing the particular law. The informer's privilege protects not only the informer's identity, but also any portion of the informer's statement that might tend to reveal the informer's identity. *See* Open Records Decision No. 515 (1988). The privilege does not apply if the subject of the information already knows the informer's identity. *See* Open Records Decision No. 208 (1978).

We agree that the informer's privilege applies in this case. Accordingly, the city may withhold the highlighted portions of the submitted information from the requestor. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 102735

Enclosures: Submitted documents

cc: Mr. Robert R. Sykes
Attorney at Law
P.O. Box 102
Midland, Texas 79702
(w/o enclosures)